

United States Senate

WASHINGTON, DC 20510

March 20, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader McConnell:

Thank you for your expeditious work in developing legislation to respond to the COVID-19 crisis. We are writing to highlight the critical need to address tribal-specific funding and policy concerns in any upcoming emergency response legislation. The United States is home to 573 federally recognized tribes made up of nearly three million Native Americans. It is imperative that any federal response to the coronavirus pandemic address the needs of all Americans, including Native Americans.

As you know, tribal governments often do not have the same opportunities as state and local governments to generate revenue through income and property taxes. Therefore, to fund government services and programs, tribes must rely upon other revenue raising activities such as hospitality and tourism, gaming, forestry, parks, outdoor recreation, or energy and mineral development. These industries provide critical services to Indian communities, including healthcare, law enforcement, education, child welfare, and many others. In addition, tribal businesses employ thousands of people and are sometimes the largest employers in their respective regions. Our tribal communities will be the hardest hit by the fallout created by the COVID-19 pandemic. They are already feeling the strain.

We therefore urge you to include immediate and impactful relief to tribal communities in the various relief packages now being considered. We have spoken directly with tribal leaders across the country to solicit feedback on their most pressing funding needs. We have also received extensive feedback from national Native American organizations including the National Congress of American Indians, National Indian Health Board, National Council of Urban Indian Health, Native American Finance Officers Association, and more. Native American stakeholders have provided clear and concise funding and policy proposals for Congress to consider that would help address the specific needs of Indian Country during this pandemic. We are disappointed to see that none of these proposals were included in the draft "Phase Three" legislation released March 19. Tribes have been left out of the two packages before this and we must take this opportunity to correct the missed opportunities and ensure that they are included going forward. Tribes cannot wait for the next round. Below are a few tribal-specific proposals that we believe represent the bare minimum of what Congress must include in the current round of health and economic relief legislation.

Tribal Governance:

- **Parity for Tribes** – Any legislative text must include parity for tribes to ensure they have access to the same healthcare and economic relief measures as states, counties and local governments. We must ensure tribal governments are not excluded, either intentionally or unintentionally, by technicalities of legislative text. This includes making any needed technical corrections to previous relief legislation.
- **Tribal Priority Allocations (TPA) Funding Increase of \$950 Million:** The Bureau of Indian Affairs Tribal Priority Allocations account is the most flexible funding mechanism available for tribal government operations. Every tribe is unique - both in their immediate needs and in their infrastructure to address them. Increased TPA funding will allow tribes to respond comprehensively to the pandemic in the manner most appropriate for their communities.

Economic Development:

- **Tribal Government Stabilization Fund of \$20 Billion:** For many tribes, revenue from tribally owned businesses provides the vast majority of operating revenue for government services such as healthcare, education and public safety. Many tribes receive only 10 percent of their funding from the federal government, which is less than some state governments. Further, Indian Country industries contribute upwards of \$50 billion per year to the American economy. The pandemic has had a devastating effect on these businesses, threatening the ability of tribes to provide basic government services. We must ensure tribal enterprises have access to economic relief, capital, loans and resources to maintain solvency of tribal governments. Therefore, we propose a Fund, through the U.S. Department of the Treasury, that will provide grants to tribal governments based upon lost revenues.
- **Indian Loan Guarantee Program Funding of \$8 Billion:** Access to credit in Indian Country is already a challenge. The COVID-19 crisis has added further strain as primary sources of revenue have shut down or dramatically scaled back operations. Congress should increase the dollar amount available for loans within the Bureau of Indian Affairs Indian Loan Guarantee Program, and provide programmatic flexibility with regard to qualifying projects to ensure access to credit during this challenging time.

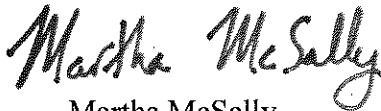
Healthcare:

- **Increase for IHS Facilities Account:** Many healthcare facilities in Indian Country already face capacity limitations, which will be exasperated by the COVID-19 pandemic. Increased facilities funding will help tribes meet urgent needs to temporarily and immediately increase capacity for intensive care, isolate the COVID-19 population, and provide appropriate triage for patients.
- **Increase for IHS Services Account:** IHS and Tribal leaders are already reporting a shortage of medical supplies including respirators and personal protective equipment. Additional funding is needed to meet these supply needs, increase staff capacity, and rapidly expand availability of primary and specialty health services and testing.
- **Purchased/Referred Care (PRC):** Many tribes do not have IHS facilities in their communities and must purchase or contract-out healthcare services to non-IHS providers.

As IHS facilities face additional COVID-19-related capacity constraints, increased PRC funding will help tribes meet critical needs for intensive care, ambulatory services, testing, and other medical services related to the pandemic.

The federal government has a trust responsibility to meet the healthcare and economic needs of tribal nations. Fulfilling this responsibility is all the more important in this time of crisis. The proposals outlined in this letter are not a comprehensive list of all the needs of tribal communities related to COVID-19, but they represent the immediate actions Congress should take to address the most acute challenges in Indian Country today. We appreciate your consideration of these proposals and look forward to working with you to ensure Congress addresses the emergency needs of all Americans, including Native Americans.

Sincerely,

Handwritten signature of Martha McSally in black ink.

Martha McSally
United States Senator

Handwritten signature of Steve Daines in black ink.

Steve Daines
United States Senator